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TIME: 3:45 pm MST

DATE: December 9, 2004

Please deliver the following page(s) to:

Name: U.S. Patent and Trademark Office
Facsimile Number: 703/872-9306
Our Client No.: 4366-136
Your Ref.: Serial No. 10/619,636 filed 07/14/2003

Total Number of Pages, including this cover page: 21

Sender's Name: Douglas W. Swartz

MESSAGE:

Please see the attached First Supplemental Information Disclosure Statement, PTO-1449, and a copies of the cited foreign/non-patent references to be filed in connection with the above-referenced patent application.

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DEC 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/619,636
Applicant : CHAVEZ et al.
Filed: : July 14, 2003
TC/A.U. : 2642
Examiner: :
Docket No. : 4366-136
Customer No. : 48500
Title: : "INSTANT MESSAGING TO AND FROM PBX STATIONS"

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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent, non-published patent application, and/or foreign references are enclosed herewith

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications:

Serial No. _____ filed _____

☒ Other: Attached hereto is a copy of European Search Report for European Patent Application No.

04252350, which is the European counterpart of the above-referenced application.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602.
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Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

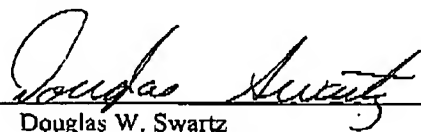
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Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
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Date: Dec. 9, 2004

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	10/618636
				Filing Date	July 14, 2003
				First Named Inventor	CHAVEZ, David L.
				Art Unit	2642
Examiner Name					
Sheet	1	of	1	Attorney Docket Number	4366-136

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ^{2,3} (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-4,918,721	04-17-1990	Hashimoto	
	2.	US-6,203,192 B1	03-20-2001	Fortman	
	3.	US-6,246,983 B1	06-12-2001	Zou et al.	
	4.	US-6,754,314 B2	06-22-2004	Wengrovitz, et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² ; Number ³ ; Kind Code ⁴ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
	5.	PCT	-	WO 01/35615	05-17-2001	Myers et al.	Y
	6.	EP	-	1,037,451 A	09-20-2000	Neuhaus et al.	N
			-				
			-				
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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
	7.	European Search Report for European Patent Application No. 04252350 dated 10/15/2004, which is the European counterpart for the above-referenced patent application.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.